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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/069,161

02/21/2002

Nils Ramon Marchant

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12/13/2005

BURR & BROWN

PO BOX 7068

SYRACUSE, NY 13261-7068

EXAMINER

NGUYEN, BINH QUOC

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/069,161

Applicant(s)

MARCHANT, NILS RAMON

Examiner

Binh Q. Nguyen

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2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/21/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1- 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/11/02, 02/21/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. **Claims 3, 20, and 24 are objected** to because of the following informalities:

**Regarding claim 3;** “the absence” on line 3 of claim 3, must be changed to “--an absence --”. Appropriate correction is required.

**Regarding claims 20, and 24;** “A” on line 1 of claims 20, and 24, must be changed to “--The --”. Appropriate correction is required.

2. **Claims 5-17, 21-23 are objected** to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 4. See MPEP § 608.01(n). Accordingly, the claims 5-17, 21-23 have not been further treated on the merits. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-4, 18-20, and 24** are rejected under 35 U.S.C. 102(b) as being anticipated by *Sparber* the US Patent No: (US 4,197,429).

**Regarding claim 1;** *Sparber* teaches a switch (*see Fig. 2, item 150 means a switch*) comprising at least:

first, second and third ports ( $P_1$ - $P_3$ ) each having an input and an output (*see Fig. 2, col. 6, line 55-to-col. 7, line 9, items  $P_0$ ,  $P_1$ , and  $P_3$  mean first, second and third ports ( $P_1$ - $P_3$ )*);

the switch arranged so that a first flow presented to the input of one of  $P_1$ - $P_3$  is delivered to the output of an other of  $P_1$ - $P_3$  (*see Fig. 2, col. 7, line 10-to-col. 8, line 18*), and a second flow presented to the input of said other of  $P_1$ - $P_3$  is delivered to the output of said one of said  $P_1$ - $P_3$  (*see Fig. 2, col. 7, line 10-to-col. 8, line 18*);

detection means for detecting a predetermined characteristic of the flows presented at the input of each of  $P_1$ - $P_3$  (*see col. 9, line 63-to-col. 10, line 20*); and,

control means which, upon the detecting means detecting said predetermined characteristics in one of said first flow and said second flow, internally diverts the other of the first flow and second flow to be presented to the output of a remaining one of  $P_1$ - $P_3$  (*see col. 9 lines 52-63*).

**Regarding claim 2.** *Sparber* teaches the switch according to claim 1 further including timer means for counting a time  $T$  (*see col. 8, line 60-to-col. 9, line 40, Fig. 2, "timer circuit 22" means "timer means for counting a time  $T$ "*) for which the detecting means detects the existence of said predetermined characteristic of the flows and wherein said control means only diverts the other of the first and second flows to the output of said remaining one of  $P_1$ - $P_3$  when the time  $T$  is equal to or exceeds a predetermined time  $T_{wait}$  (*see col. 9, line 2-to-col. 10, line 20*).

**Regarding claim 3.** *Sparber* teaches the switch according to claim 2 further including a dummy flow means for producing a dummy flow (*see col. 8, line 60-to-col. 9, line 40*) and, said control means delivers said dummy flow to the output of the port to which said one of said first and second flows would be

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delivered in the absence of that flow being detected as having said predetermined characteristic (*see col. 9, line 41-to-col. 10, line 20*).

**Regarding claim 4.** *Sparber* teaches the switch according to claim 2 or 3 wherein, said predetermined characteristic is the absence of said flow for said period  $T_{\text{wait}}$  (*see col. 9, line 41-to-col. 10, line 20*).

**Regarding claim 18.** *Sparber* teaches method of using and operating a switch having first, second and third ports ( $P_1$ - $P_3$ ), each port having an input and an output (*see Fig. 2, col. 6, line 55-to-col. 7, line 9, items  $P_0$ ,  $P_1$ , and  $P_3$  mean first, second and third ports ( $P_1$ - $P_3$ )*), said method comprising the steps of :

coupling an incoming first flow of a first channel to the input of one of  $P_1$ - $P_3$  (*see Fig. 2, col. 7, line 10-to-col. 8, line 18*);

internally routing said incoming first flow to the output of an other of  $P_1$ - $P_3$  (*see Fig. 2, col. 7, line 10-to-col. 8, line 18*);

coupling an incoming second flow of a second channel to the input of said other of said  $P_1$ - $P_3$  (*see Fig. 2, col. 7, line 10-to-col. 8, line 18*);

internally routing said incoming second flow to the output of said one of said  $P_1$ - $P_3$  (*see Fig. 2, col. 7, line 10-to-col. 8, line 18*);

monitoring said inputs to detect a predetermined characteristic of the flow at said inputs (*see col. 9, line 63-to-col. 10, line 20*);

upon detecting said predetermined characteristic in one of said first flow and said second flow, internally re-muting the other of the first flow and the second flow to the output of a remaining one of the ports  $P_1$ - $P_3$  (*see col. 9, line 41-to-col. 10, line 20*).

**Regarding claim 19.** *Sparber* teaches the method according to claim 18 further including a step of counting a time T (*see col. 8, line 60-to-col. 9, line 40, Fig. 2, "timer circuit 22" means "timer means for counting a time T"*) for which said predetermined characteristic is detected and wherein said step internally of re-routing only occurs if said time T is equal to or exceeds a predetermined time T<sub>j</sub>, (*see col. 9, line 2-to-col. 10, line 20*).

**Regarding claim 20.** *Sparber* teaches the method according to claim 19 further including a step of generating a dummy flow and internally routing said dummy flow to the output of the port to which said one of said first and second flow would be delivered in the absence of that flow being detected as having said predetermined characteristic (*see col. 9, line 41-to-col. 10, line 20*).

**Regarding claim 24.** *Sparber* teaches the method according to claim 20 wherein said step of generating a dummy flow includes the steps of taking one or more samples of said flow presented at the inputs of said switch and constructing said dummy flow from said one or more samples as a replica of the flow presented to the inputs of said switch (*see col. 4, lines 39-66 and col. 9, line 41-to-col. 10, line 20*).

### ***Contact Information***

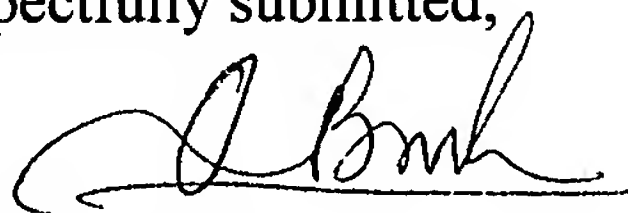
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh Q. Nguyen whose telephone number is 571-272-8563. The examiner can normally be reached on M-F: 9:00 AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

By:   
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Binh Q. Nguyen  
Patent Examiner  
12/08/2005

  
Ajit Patel  
Primary Examiner